

OPINION  
49-62

February 4, 1949 (OPINION)

FEES

RE: County Insanity Board

Re: Section 25-0315, fees of members of county board of insanity.

Your letter of February second asking our interpretation of the above section and in particular as to whether or not the physician who is a member of the board is entitled to per diem as a member of the board is sitting and also to the fee of five dollars for an examination of the person alleged to be insane has been received and referred to my desk.

It is our opinion that the physician who is a member of the board is entitled to per diem of five dollars whenever the board is in session and he is present. If, as a physician, he is required by the board to examine the alleged insane person and gives his opinion as a physician, he is entitled to the five dollars for this examination.

It is not necessary that the examination be made by the physician who is a member of the board and certainly if some other physician is employed, he would be entitled to his pay. It would be unfair to a physician to put him on the board and then require him to perform professional services for nothing. He is a member of the board merely because the Legislature deemed it well that a physician and a lawyer should be on this board.

WALLACE E. WARNER

Attorney General